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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 08 2238

CASE NO. CV 9400 SL

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

(PR)

United States Plaintiff,
vs. Of America

Elias Hernandez Defendant.

I, Elias Hernandez, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: N/A Net: N/A

Employer: Forms. NPA Motion to discharge or dissolve writ attachment, 6A Federal Procedure Forms 4 Fed. Creditor's provisions, Remedies 1972.

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 I working in the Detention Area
 5 OR
 6 Aircraft.

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

- 9 a. Business, Profession or Yes ___ No ☒
 10 self employment
 11 b. Income from stocks, bonds, Yes ___ No ☒
 12 or royalties?
 13 c. Rent payments? Yes ___ No ☒
 14 d. Pensions, annuities, or Yes ___ No ☒
 15 life insurance payments?
 16 e. Federal or State welfare payments, Yes ___ No ☒
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 Seed Ass'n 219 Neb 296.362 V.W. 2d 362 (1985) related
 22 reference 228 Neb 306 422 P.W. 2d 542 (1988).
 23 3. Are you married? Yes ___ No ☒

24 Spouse's Full Name: Elias Hernandez m.

25 Spouse's Place of Employment: NIA

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ 0 Net \$ 0

28 4. a. List amount you contribute to your spouse's support: \$ 0

- b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.)

Bros. 630 Hlae. 261, 164 P. 663 (1917).
 Black Hill Mercantile Co. v Bender 59, 52241
 28 P.W. 883, 86 ALR 585 (1931) Yes ___ No X

5. Do you own or are you buying a home? Estimated Market Value: \$ 0 Amount of Mortgage: \$ 0

6. Do you own an automobile? Yes ___ No ✓

Make ___ Year ___ Model ___

Is it financed? Yes ___ No ___ If so, Total due: \$ 0

Monthly Payment: \$ 0

7. Do you have a bank account? Yes ___ No ✓ (Do not include account numbers.)

Name(s) and address(es) of bank: N/A

Present balance(s): \$ 0

Do you own any cash? Yes ___ No ✓ Amount: \$ 0

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ___ No X

8. What are your monthly expenses?

Rent: \$ 0 Utilities: N/A

Food: \$ 0 Clothing: N/A

Charge Accounts:

| Name of Account | Monthly Payment | Total Owed on This Acct. |
|-----------------|-----------------|--------------------------|
| <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |

1 9. Do you have any other debts? (List current obligations, indicating amounts and to
2 whom they are payable. Do not include account numbers.)

3 N/A

4
5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes X No

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.

9 GOLOS. Sent. Appeal. 2255 AND 2254
10 SAN FRANCISCO AND San Jose CA

11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15
16 3-4-08

17 DATE

Elias Hernandez m.

SIGNATURE OF APPLICANT

Case Number: Cr. 94005 L

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Elias Hernandez M. for the last six months

M.C. Springfield, Miss. where (s)he is confined.
[prisoner name]
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 0 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0.

Dated: 4/4/08

R. J. Gonzales Mental Health Unit
[Authorized officer of the institution]
Counselor.